IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 13135 of 2004

Between:

S.V. High School Kanagudur, Kadapa District, Rep. by its Sectretary-cum-Correspondent

..... PETITIONER

AND

1 The Commissioner of School Education Andhra Pradesh, Hyderabad.
2 The Regional Joint Director of School Education, Kadapa.
3 The District Educational Officer, Kadapa.
4 The Deputy Educational Officer, Proddutur, Kadapa District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ or order or direction more particularly one in the nature of Writ of Mandamus declaring as illegal, arbitrary and unconstitutional the proceeding of the 4th Respondent issued in Rc.No.197/2004 dated 24-07-2004 and issue a consequential direction to the Respondents to permit the Petitioner to conduct interviews on 28-07-2004 and pass such other or further order or orders as are deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.A.VENKATARAMANA

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court at the stage of admission made the following :

ORAL ORDER

The petitioner is the management of S.V.High School,Kanagudur, Kadapa district. The managing committee of the petitioner-School arranged a written test and oral test for Aided Teacher posts on 28-07-2004 at the instance of the fourth respondent. The fourth respondent through his letter dated 24-07-2004 informed the managing committee of the petitioner-school that he is not in a position to attend the said test. Therefore, he informed the managing committee that written test and oral tests are indefinitely postponed. The petitioner being aggrieved by the communication of the fourth respondent dated 24-07-2004 approached this Court through this writ petition to declare that the communication of the fourth respondent dated 24-07-2004 postponing the written and oral test indefinitely as illegal and arbitrary.

The respondents filed counter-affidavit mentioning that due to visit of the Commissioner and Director of School Education to Kadapa district from 28-07-2004 to 30-07-2004, the fourth respondent could not make it convenient to attend the School for the purpose of conducting written and oral test. Therefore, he sent the impugned communication dated 24-07-2004 that the written and oral tests are indefinitely postponed. The respondents further mentioned in the counter that the postponement of written test and oral interview was purely on account of exigencies of the administration and there is no malafide intention on the part of the fourth respondent in postponement. It is further mentioned that the fresh date for conducting of written test will be intimated to the petitioner in due course of time and they will be proceeded with according to the revised schedule.

In the light of the plea taken in the counter-affidavit, the fourth respondent is directed to fix a suitable date within a period of two(2) months for written test and oral interview and communicate the same to the managing committee of the petitioner-school for the purpose of selecting the aided teachers and proceed with the same according to the rules.

The writ petition is accordingly disposed of. No order as to costs.

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16th AUGUST 2004

NOTE

ISSUE CC

IN TWO DAYS

(B/O)

*TSNR

To

1. The Commissioner of School Education Andhra Pradesh,

Hyderabad.

2 The Regional Joint Director of School Education, Kadapa.

3 The District Educational Officer, Kadapa.

4 The Deputy Educational Officer, Proddutur, Kadapa District.

5. 2CCs to G.P for School Education

6. 2CD copies